

REMARKS

This Amendment is being filed in response to the Office Action mailed June 23, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1, 3-7, 9-10 and 13-24 are pending in this application, where claims 2, 8 and 11-12 have been currently canceled without prejudice, and claims 13-24 have been currently added. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Claims 1 and 9 are independent.

By means of the present amendment, claims 1, 3-7, 9-10 have been amended for non-statutory reasons, such as for better form including beginning the independent claims with 'A', beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1, 3-7, 9-10 were not made in order to address issues of

patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 11-12 are rejected under 35 U.S.C. §101. Applicant respectfully traverses this rejection. However, in the interest of advancing prosecution, claims 11-12 have been canceled without prejudice. The cancellation of claims 11-12 renders moot this rejection with regard to these claims.

In the Final Office Action, claims 1-12 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. However, to advance prosecution, claims 1 and 9 have been amended for better clarity and claims 8 and 11-12 have been canceled without prejudice. It is respectfully submitted that this rejection of claims 1-12 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 11-12 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,052,508 (Mincey). Further, claim 1 is rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2003/0084441 (Hunt). Claims 2, 8 and 9 are rejected under 35 U.S.C. §102(b) over Hunt. Claims 1, 8 and 9

are rejected under 35 U.S.C. §103(a) over Mincey. It is respectfully submitted that claims 1, 3-7, 9-10 and 13-24 are patentable over Mincey and Hunt for at least the following reasons.

Mincey is directed to user interface for managing track assignment for a portable video recorder. As recited on column 11, lines 49-50, the recorder uses four kinds of structures, namely, bins, playlists, clips and events, to maintain proper overall organization of recording and sequencing activities. As recited on column 11, lines 65-66, a sequence play list or an event list includes a programmable list of events, where one event is active

Hunt is directed to interactive television (ITV) where "broadcaster encodes the television program with ITV data and broadcasts the encoded television program to the viewers," as recited in paragraph [0004], lines 2-4. As specifically recited in paragraph [0007] lines 1-3, Hunt is concerned with providing "system and method of automating the insertion of the ITV data (or at least a portion thereof) in the video signal." (Emphasis added) Further, Hunt specifically recites in paragraph [0008] lines 5-8 "obtaining ITV data associated with the ITV events in the playlist;

and an encoder coupled to the automation unit, the encoder configured to encode the ITV data into a broadcast signal in accordance with the playlist of ITV events." (Emphasis added)

It is respectfully submitted that Mincey, Hunt, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 9 which, amongst other patentable elements, recites (illustrative emphasis provided):

a processor configured to receive event information from a playlist of the data stream; ...
wherein the playlist is not included in the data stream, and the event information is changeable without changing the data stream.

These features are nowhere disclosed or suggested in Mincey and Hunt, alone or in combination. Rather, Hunt discloses to insert ITV data in the video or broadcast signal. Thus, changes in the ITV events in the playlist result in changes in the ITV data thus requiring changes and reprocessing of the broadcast signal. By contrast, independent claims 1 and 9 recite that "event information is changeable without changing the data stream."


Accordingly, it is respectfully submitted that independent

claims 1 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-7, 10 and 13-24 should also be allowed at least based on their dependence from independent claims 1 and 9.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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